



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION I**  
**5 POST OFFICE SQUARE, SUITE 100, BOSTON, MASSACHUSETTS 02109-3912**

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

July 13, 2010

Scott Alfonse, Director  
City of New Bedford  
Department of Environmental Stewardship  
133 William Street  
New Bedford, Massachusetts 02740

Re: Approval for Removal and Disposal of PCB-Contaminated Building Foundations  
102 Greenwood Street and 118 Ruggles Street  
Parker Street Waste Site, New Bedford, Massachusetts

Dear Mr. Alfonse:

This is in response to the Notification<sup>1</sup> by the City of New Bedford (the City) for removal and disposal of concrete foundations located at 102 Greenwood Street and 118 Ruggles Street, New Bedford, Massachusetts. Building structures located on the City-owned properties within the Parker Street Waste Site are being demolished on properties which have been identified as having PCB concentrations in soils at greater than or equal to ( $\geq$ ) 50 parts per million (ppm). The City has conducted sampling of the building foundation walls on these properties and has identified PCB concentrations that are regulated for cleanup and disposal under § 761.61(a) on the 102 Greenwood Street and 118 Ruggles Street properties. The City has submitted a self-implementing cleanup and disposal notification (SIP) under § 761.61(a), and supported by a July 2010 Revised/Modified Release Abatement Measure Plan (the RAM Plan).

As the City has indicated during discussions of the project and within the Notification, the purpose of the demolition work is the removal of buildings located on the 6 City-acquired properties; the purpose of the work is not to address the PCB contamination in soils.

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<sup>1</sup> Information was submitted on your behalf by TRC Environmental (TRC) to satisfy the notification requirement under CFR §761.61(a)(3), which included a SIP with the draft RAM Plan both dated September 16, 2009. A revised SIP was submitted dated June 22, 2010 in conjunction with a Revised/Modified RAM Plan dated July 6, 2010. These submissions and all referenced documents within the SIP are referred to as the "Notification."

The RAM Plan was submitted to the Massachusetts Department of Environmental Protection (MassDEP) as required by 310 CMR 40.0000, the Massachusetts Contingency Plan (the MCP). The RAM Plan details the specific activities related to site preparation and demolition activities of 6 buildings on the City-acquired properties located at 101, 102 and 111 Greenwood Street and at 98, 108 and 118 Ruggles Street in New Bedford, Massachusetts.

Site activities identified in the RAM plan include, but are not limited to, the following:

- site preparation activities such as laydown of steel plates for equipment, tree and shrub cutting, and, removal of other non-dwelling miscellaneous structures (e.g. shed, swimming pool, etc) to facilitate site access for demolition work;
- ambient air and dust monitoring and dust suppression;
- removal and replacement of soil during disconnection of underground utilities on each property;
- Demolition of upper structures and off-site disposal;
- Demolition of concrete foundations, slabs, and footings and management of said wastes with on-site re-use with the exception of 102 Greenwood Street and 118 Ruggles Street;
- Removal and off-site disposal of foam insulation debris from the foundation of the 118 Ruggles Street structure, provided it can readily be separated from the concrete foundation; otherwise, the concrete foundation with foam insulation will be removed and disposed of off-site in accordance with § 761.61(a)(5)(i)(B);
- Removal and off-site disposal of the concrete foundation located at 102 Greenwood Street as a  $\geq 50$  ppm PCB waste in accordance with § 761.61(a)(5)(i)(B)(2)(iii);
- Installation of a minimum 1-foot of clean fill as cover for demolished concrete foundations; and,
- Addition of clean loam and seeding of each backfilled basement area.

The above activities are more fully detailed in the RAM Plan and are also included in the Notification as they relate to 102 Greenwood Street and 118 Ruggles Street.

On June 22, 2010 the City held a public meeting to discuss the proposed demolition work and to take public comments on the draft revised/modified RAM Plan. On July 6, 2010 the City provided a written response to comments it received on this RAM Plan.



The PCB regulations provide various options for cleanup and disposal of PCB-contaminated materials by allowing the responsible party to select a cleanup and disposal approach. The SIP option under § 761.61(a) allows a site owner to remediate a site based on prescribed guidelines and cleanup levels.

EPA has reviewed the information provided in the SIP specifically relating to the 102 Greenwood Street and 118 Ruggles Street properties, including the PCB concentrations in/on the concrete foundation walls, the plan for management of the concrete following removal, and the proposed controls during the demolition work; the RAM Plan; and the City's written response to comments on the RAM Plan. In addition, EPA has reviewed and commented on earlier versions of the RAM Plan and related documents. Furthermore, EPA has participated in several public meetings to listen to community concerns related to the proposed demolition since September 2009.

Based on this information, EPA has determined that the proposed activities meet the SIP requirements under 40 CFR § 761.61(a) for management and disposal of PCB-contaminated wastes. The proposed removal and disposal of the PCB-contaminated concrete foundations and other associated wastes are consistent with the disposal requirements under § 761.61(a)(5)(i)(B). Accordingly, EPA is approving the City's Notification and the City may proceed with the demolition activities under 40 CFR § 761.61(a); the Notification; and, the RAM Plan, subject to this Approval and the conditions of Attachment 1.

With respect to the remaining 4 properties which are subject to the demolition activities, including 101 Greenwood Street, 111 Greenwood Street, 98 Ruggles Street, and 108 Ruggles Street, the City will be addressing these properties under the MCP as the PCB concentrations on these foundation walls were less than ( $<$ ) 1 ppm.

As indicated in the Notification, the City is in the planning stage for implementation of a full remedy for the Parker Street Waste Site. As PCB-contaminated soils with  $\geq 50$  ppm remain on properties located at 101 Greenwood Street, 102 Greenwood Street, and 118 Ruggles Street, cleanup and disposal of PCB-contaminated soils on these properties are regulated under 40 CFR § 761.61. As such, the City will be required to submit a cleanup plan to EPA to address the contamination on these properties.

Should you have any questions on this matter, please contact Kimberly Tisa at (617) 918-1527.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Sanderson".

Mary Sanderson, Chief  
Remediation & Restoration II Branch

Attachment 1

cc: Scott W. Lang, Mayor - City of New Bedford  
City of New Bedford - Health Department  
Molly Cote, MassDEP  
David Sullivan, TRC  
Eddie Johnson, President – C.L.E.A.N.  
Mr. and Mrs. Luis Barbosa, 110 Greenwood St.  
Mr. and Mrs. David Mattos, 110 Greenwood St.  
John Day, 119 Greenwood St.  
Ida Tolentino, 120 Greenwood St.  
Anna Silva and Elizabeth Rivera, 124 Greenwood St.  
Mr. and Mrs. William Rosado, 127 Greenwood St.  
Mr. and Mrs. Russell Monteiro, 133 Greenwood St.  
Rev. Rogerio DeSouza, 129 Hathaway Boulevard  
Mr. and Mrs. Jack Jacobsen, 160 Nemasket St.  
Brenda Wyche, 363 Parker St.  
John DaRosa, 128 Ruggles St.  
Mr. and Mrs. Wayne Thomas, 139 Ruggles St.  
Sheila Riggins, 180 Summit St.  
Mr. and Mrs. Lorenzo Williams, 200 Summit St.  
Ian Phillips, Roux Associates  
File



**ATTACHMENT 1:**

**PCB APPROVAL CONDITIONS  
102 GREENWOOD STREET AND 118 RUGGLES STREET  
PARKER STREET WASTE SITE  
NEW BEDFORD, MASSACHUSETTS**

**GENERAL CONDITIONS**

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the properties located at 102 Greenwood Street and 118 Ruggles Street (together, "the Sites") as identified in the Notification.
  - a. This Approval does not address excavation and off-site disposal of soils with greater than or equal to ( $\geq$ ) 50 parts per million (ppm) from the Sites. In the event that the City determines that PCB-contaminated soils at  $\geq$ 50 ppm require excavation and off-site disposal, the City shall contact EPA for a determination on the requirements for disposal of the soils.
2. The City of New Bedford (the City) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the activities described in the Notification differ from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The City must comply with all applicable federal, state and local regulations, including the storage, handling, and disposal of all PCB wastes, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during the demolition activities, the City shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. The City is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the City has or receives information indicating that it or any other person has failed, or may have failed, to comply with any provision of this Approval, the City must report the information to EPA in writing within 24 hours of having or receiving the information.

7. This Approval does not constitute a determination by EPA that the selected transporters or disposal facilities are authorized to conduct the activities set forth in the Notification. The City is responsible for ensuring that the selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the City from compliance with any applicable requirements of federal, state or local law; or 3) release the City from liability for, or otherwise resolve, any violations of federal, state or local law.

### **REMOVAL AND DISPOSAL CONDITIONS**

9. The City shall notify EPA at least 24 hours prior to commencing field work associated with the activities authorized under this Approval. The City also shall provide the name and contact information for City personnel that will be responsible for the activities to be conducted under this Approval.
10. All necessary precautions should be taken to minimize fugitive dust emissions and to prevent dust from impacting the surrounding neighborhood during RAM activities and activities authorized under this Approval. Dust suppression activities shall be on-going while conducting all activities described in the RAM Plan and authorized under this Approval that have the potential to generate fugitive dust, including site preparation, soil excavation, demolition, concrete management, and backfilling activities.
11. As described in the Notification and the RAM Plan, minimal excavation of soils is required for certain activities, such as utility work. All soils are anticipated to be returned to the excavation. Soil requiring temporary stockpiling, if any, will be placed on a minimum of 6-mm polyethylene sheeting and will be covered, and the stockpile secured, at the end of each work day.
12. Following removal of PCB-contaminated *porous surfaces*, (e.g. concrete foundations, subgrade foam insulation), these *porous surfaces* shall be disposed of as described in the Notification.
13. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5), unless otherwise specified below or in this Approval:
  - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).



- b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
- c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

#### **INSPECTION, MODIFICATION AND REVOCATION CONDITIONS**

- 14. The City shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
- 15. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR §761.61(a)(3)(ii).
- 16. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
- 17. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

#### **RECORDKEEPING AND REPORTING CONDITIONS**

- 18. The City shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the activities and the analytical sampling shall be established and maintained by the City in one centralized location until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection by authorized representatives of EPA.

19. The City shall submit a final report to EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the remedial activities; characterization and confirmation sampling analytical results (if applicable); copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; copies of manifests and/or bills of lading, if applicable; and copies of certificates of disposal or similar certifications issued by the disposer, if applicable.
20. Required submittals, including notifications and certifications, shall be mailed to:  
  
Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100 (OSRR07-2)  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527
21. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self disclosure or penalty policies.

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**END OF ATTACHMENT 1**